

CITY COUNCIL AGENDA

MAY 20, 2008

AMENDED AGENDA

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
KANSEN CHU
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED MAYOR

PIERLUIGI OLIVERIO
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Office of the City Clerk at San José City Hall, 200 E. Santa Clara Street, Council Wing, 2nd Floor, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Call to Order in Council Chambers
Adjourn to Closed Session in Council Chambers Conference Room, W133
[See Separate Agenda](#)
1:30 p.m. - Regular Session, Council Chambers, City Hall
3:30 p.m. - Open Forum and continue the RDA Board Meeting
[See Separate Agenda](#) (No earlier than 3:30 p.m.)
3:30 p.m. Joint San José Financing Authority (No earlier than 3:30 p.m.)
7:00 p.m. - General Plan/Public Hearings, Council Chambers, City Hall
- **Invocation (District 5)**
Isaiah Dugall, Mt. Pleasant High School
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/
REDEVELOPMENT AGENCY BOARD SESSION.**

Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.

- * ADJOURNMENT: This meeting will be adjourned in memory of Barry Weaver, a long time City employee in the Department of Transportation, who passed away May 9, 2008.

- **Closed Session Report**

1. CEREMONIAL ITEMS

- 1.1 Presentation of a proclamation recognizing the City's Fire Dispatchers for receiving the National Academies of Emergency Dispatch's "Accredited Center of Excellence" award. (Fire)
- 1.2 Presentation of a proclamation declaring the week of May 18-24, 2008 as "Public Works Week" in the City of San José. (Public Works)
- 1.3 Presentation of a proclamation declaring May 25, 2008 as "National Missing Children's Day" in the City of San José. (Campos)
- 1.4 Presentation of a commendation to the Society of Industrial Archaeology for bringing their 37th National Conference to the City of San José. (Chu)
- 1.5 Presentation of a commendation to Betty Mora for her organization of the First Annual Parent University Event held at Summerdale Elementary School. (Chu/Mayor)
- * **RECOMMEND DEFERRAL TO 6/3/08 PER MAYOR**
- 1.6 Presentation of a commendation to Karen Lin, Amy Yu, Ly Tan, Ritu Parekh, Vivian Tran, Christina Doan, Jamal Dixon, Daisy Manapsal, Sidney Moiwa, Ilona Molina, José Rodriguez and Stephanie Alvarado for winning the HomeWords Essay Scholarship Contest. (Mayor)
- TO BE HEARD IN THE EVENING**
- 1.7 Presentation of a commendation to Cisco Systems for their exemplary efforts in implementing nearly 300 Automated External Defibrillators (AEDs) in their campuses around the world for the benefit of their employees. (Chu)
- * (Rules Committee referral 5/14/08)
- 1.8 Presentation of a proclamation declaring the month of May as "Asian Pacific American Heritage Month" in the City of San José. (Chu)
- * (Rules Committee referral 5/14/08)
- TO BE HEARD IN THE EVENING**
- 1.9 Presentation of a commendation recognizing the National Hispanic University debate team and their success at the 2008 Bioethics Debate tournament. (Cortese)
- * (Rules Committee referral 5/14/08)
- TO BE HEARD IN THE EVENING**

2. CONSENT CALENDAR

Notice to the public: There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

2.1 Approval of Minutes.

Recommendation: Approval of minutes.

- (a) Regular Minutes of March 4, 2008
- (b) Regular Minutes of March 11, 2008
- (c) Joint City Council/San José Financing Authority Minutes of March 11, 2008
- (d) Mayor's March Budget Message Study Session Minutes of March 13, 2008
- (e) Regular Minutes of March 18, 2008

RECOMMEND DEFERRAL TO 6/3/08 PER CITY CLERK

- (f) Regular Minutes of March 25, 2008

(Deferred from 5/6/08 – Item 2.1)

RECOMMEND DEFERRAL TO 6/3/08 PER CITY CLERK

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinances.

- (a) ORD. NO. 28301 – Amending Sections 20.95.020 and 20.95.110 of Chapter 20.95 and Section 20.100.480 of Chapter 20.100, all of Title 20 of the San José Municipal Code, to reflect the threshold for hydraulically sized stormwater treatment control measures pursuant to City Council Policy 6-29 (Post Construction Urban Runoff Management) and the National Pollution Discharge Elimination System Permit.
- (b) ORD. NO. 28302 – Rezoning certain real property situated at the southeast corner of South 11th Street and Interstate Highway 280 (868 South 11th Street) to R-M Multiple Residence Zoning District. C07-005
- * (c) ORD. NO. 28300 – Amending Chapter 3.36 of Title 3 of the San José Municipal Code to provide increased retirement benefits for members of the Police and Fire Department Retirement Plan who are employed in the Fire Department.
- * (d) ORD. NO. 28306 – Rezoning certain real property located at the southeast corner of Stevens Creek and Winchester Boulevards on approximately 40.8 acres (at a site commonly known as “Santana Row”) to the A(PD) Planned Development Zoning District. PDC07-095

2.3 Acceptance of the Office of the City Auditor's Report.

Recommendation: Acceptance of the Office of the City Auditor's *Report of Activities for the Period March 16 through April 15, 2008.* (City Auditor)

2. CONSENT CALENDAR

2.4 Approval of the Sharks Ice at San José City Use Program Policy.

Recommendation: Approval of the Sharks Ice at San José City Use Program Policy and delegation of authority to the City Manager for approval of eligible events. CEQA: Not a Project. (Economic Development)

2.5 Fiscal Actions Related to the Emergency Management Performance Grant.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the General Fund:

- (a) Establish an appropriation to the Office of Emergency Services for the 2007 Emergency Management Performance Grant in the amount of \$130,731.
 - (b) Increase the estimate for Revenue from the Federal Government by \$130,731.
- CEQA: Not a Project. (Emergency Services/City Manager's Office)

2.6 Actions Related to AB939 Implementation Fee and the Countywide Household Hazardous Waste Program.

Recommendation: Approval of:

- (a) The second amendment to the agency agreement with the County of Santa Clara for Countywide AB 939 Implementation Fee to maintain the AB 939 Implementation Fee at \$3.55 per ton for 2008-2009.
- (b) The third amendment to the agency agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for one-time funding of \$57,000, for a total cost not-to-exceed \$57,000 for 2007-08.
- (c) The fourth amendment to the agency agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program, which includes one-time funding of \$67,000, for a total cost not-to-exceed amount of \$67,000 for 2008-2009.

CEQA: Not a Project. (Environmental Services)

2.7 Fiscal Actions Related to the Vehicle Maintenance and Operations Fund.

Recommendation: Adoption of the following 2007-2008 Appropriation Ordinance and Funding Sources Resolution amendments in the Vehicle Maintenance and Operations Fund:

- (a) Increase the Non-Personal/Equipment appropriation to the General Services Department by \$300,000.
- (b) Decrease the Personal Services appropriation to the General Services Department by \$300,000.
- (c) Increase the estimate for Transfers by \$990,000.
- (d) Increase the Inventory Purchases appropriation by \$990,000.

CEQA: Not a Project. (General Services/City Manager's Office)

2. CONSENT CALENDAR

2.8 Vice Mayor Cortese's Travel to Chicago, Illinois.

Recommendation: Approval of travel by Vice Mayor Cortese to Chicago, Illinois on October 1-3, 2008 to participate in the San José/Silicon Valley Chamber of Commerce City-to-City Trip 2008. Source of Funds: Mayor & Council Travel Fund. (Cortese) (Rules Committee referral 5/7/08)

2.9 Fiscal Actions Related to the Cinnabar Commons Apartments Project.

Recommendation: Adoption of a resolution:

- (a) Approving an increase to the City permanent loan to Cinnabar Commons, a California limited partnership, or an affiliated entity for up to \$506,652 to capitalize interest on the City's loan for the Cinnabar Commons Family Apartments project, located on Stockton Avenue between Cinnabar Street and Lenzen Avenue.
- (b) Approving up to 120% Loan-to-Value (LTV) as an exception to the City Council policy limiting LTV to 100%.

CEQA: EIR Resolution No. 71174. Council District 6. (Housing)

2.10 Initiation of the Annexation/Reorganization of Burbank No. 40.

Recommendation: Adoption of a resolution initiating proceedings and setting June 17, 2008 at 1:30 p.m. for City Council consideration on the reorganization of the territory designated as Burbank No. 40 which involves the annexation to the City of San José of approximately 2.78 acres of land located at the northwest corner of West San Carlos Street and Brooklyn Avenue and public right-of-way along West San Carlos Street, Brooklyn Avenue, and Topeka Avenue, and the detachment of the same from the appropriate special districts including Central Fire Protection, Area No. 01 (Library Services) County Service, Burbank Sanitary and County Lighting County Services. CEQA: EIR Resolution No. 65459. Council District 6. SNI: Burbank/Del Monte. (Planning, Building and Code Enforcement)

2.11 Reorganization/Annexation of Territory Designated as Monterey Park No. 112.

Recommendation: Adoption of a resolution ordering the reorganization of territory designated as Monterey Park No. 112, which involves the annexation to the City of San José of approximately 4.50 acres more or less of land located at the northeast corner of Monterey Road and Umbarger Road, and generally bounded by City of San José Annexations Monterey No. 7, Monterey Park No. 101-A, Franklin No. 34, and the detachment of the same from the appropriate special districts, including County Lighting County Services, Central Fire Protection, Sanitation District 2-3, and Area No. 01 (Library Services) County Service. CEQA: Exempt. Council District 7. (Planning, Building and Code Enforcement)

2. CONSENT CALENDAR

2.12 Report on Request for Qualifications for Transportation Consultant Services for Envision San José 2040 General Plan.

Recommendation: Report on consultant selection for transportation services for Envision San José 2040 General Plan Update and adoption of a resolution authorizing the City Manager to negotiate and execute a consultant agreement with Fehr & Peers Transportation Consultants for transportation consultant services for the Envision San José 2040 General Plan Update for a term through December 31, 2010 in an amount not-to-exceed \$648,885, including authorization for the Director of Planning, Building and Code Enforcement to execute amendments to the agreement:

- (a) To add and delete transportation consultant services as required within the \$648,885 maximum compensation amount, and
 - (b) To extend the term of the agreement for no more than twenty-four months total.
- CEQA: Not a Project. (Planning, Building and Code Enforcement)

2.13 Fiscal Actions for Redevelopment Agency Capital Projects.

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Recommendation:

- (a) Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for 2007-2008:
 - (1) Increase the estimate for Earned Revenue by \$255,500. CEQA: Not a Project.
 - (2) Increase the appropriation to the Department of Transportation for the Washington Neighborhood Alleyway C3 Construction project (PSM 503 Amendment 1) in the amount of \$5,500. CEQA: Exempt, File No. PP06-205.
 - (3) Establish the appropriation to the Department of Public Works for the Hanchett Pillar project (PSM 527) in the amount of \$75,000. CEQA: Not a Project.
 - (4) Establish the appropriation to the Department of Public Works for the 24th Street Pedestrian Street Light project (PSM 530) in the amount of \$90,000. CEQA: Not a Project.
 - (5) Establish the appropriation to the Department of Public Works for the Transit Mall Pedestrian Lighting Improvements Project Phase 2 & 3 (PSM 531) in the amount \$85,000. CEQA: Exempt, File No. PP06-105.
- (b) Adoption of resolutions making certain determinations regarding the related expenditure of Redevelopment Agency funds on certain public improvements in connection with:
 - (1) The Hanchett Pillar project as more specifically described in the memorandum from the Redevelopment Agency, dated March 12, 2008.
 - (2) The 24th Street Pedestrian Street Light project as more specifically described in the memorandum from the Redevelopment Agency, dated April 3, 2008.

(Item continued on the next page)

2. CONSENT CALENDAR

2.13 Fiscal Actions for Redevelopment Agency Capital Projects (Cont'd.)

Recommendation:

- (b) (3) The Transit Mall Pedestrian Lighting Improvements Project Phase 2 & 3 as more specifically described in the memorandum from the Redevelopment Agency, dated April 24, 2008.

CEQA: Exempt, File Nos. PP06-205 and PP06-105. Council Districts 3 and 6. SNI: Washington, Five Wounds/Brookwood Terrace. (Public Works/Transportation/City Manager's Office)

2.14 Approval to Revise the Underground Utility Fee Ordinance.

Recommendation: Direction to staff to work with the City Attorney's Office to revise the Underground Utility Fee Ordinance (Chapter 15.26 of the San José Municipal Code) to enable:

- (a) Annual automatic adjustment of the Underground Utility Fee based on the Engineering News Record's 20-City Average Construction Cost Index.
(b) Reimbursement to developers for completing underground utility projects.

CEQA: Not a Project. (Public Works)

2.15 Setting a Public Hearing for the Consideration of a Rule 20A Underground Utility District along White Road.

Recommendation: Adoption of a resolution to consider the establishment of a Rule 20A Underground Utility District along White Road, between Rose Avenue and 150 feet north of Alum Rock Avenue, and setting a Public Hearing on June 24, 2008 at 1:30 p.m.

CEQA: Exempt, File No. PP08-042. Council District 5. (Public Works)

2.16 Report on Bids and Award of Contract for the City-wide Sidewalk Accessibility Curb Ramps 2008.

Recommendation: Report on bids and award of contract for the City-wide Sidewalk Accessibility Curb Ramps 2008 to the low bidder, Vanguard Construction, and approval of a contract amount of \$399,392 plus a contingency in the amount of \$39,939 for a total contract amount of \$439,331. CEQA: Exempt, File No. PP05-212. Council Districts 2, 3, 4, 5, 6, 7, 8, 9 and 10. (Transportation)

2.17 Updated Master Agreement with Caltrans for Federal-aid Transportation Grant Programs.

Recommendation: Approval of an updated master agreement with Caltrans for federal-aid transportation grant programs and adoption of a resolution authorizing the City Manager to negotiate and execute any program supplements to the master agreement enabling the City to receive federal-aid funds for qualifying transportation projects.
CEQA: Not a Project. (Transportation)

* **RECOMMEND DEFERRAL TO 6/3/08 PER ADMINISTRATION**

2. CONSENT CALENDAR

2.18 [Approval to Allocate FY2008-2009 Transportation Development Act, Article 3 Grant Funding.](#)

Recommendation: Adoption of a resolution approving the request to the Metropolitan Transportation Commission for the allocation of Fiscal Year 2008-09 Transportation Development Act, Article 3 (TDA3) grant funding in the amount of \$618,497 for the improvement of pedestrian and bicycle transportation infrastructure and authorizing the City Manager to negotiate and execute grant documents. CEQA: Exempt, File No. PP08-057. (Transportation)

2.19 [Council Member Campos' Travel to Sacramento, CA.](#)

Recommendation: Approval of Council Member Campos' travel to Sacramento, CA on June 26, 2008 to attend the League of CA Cities – Transportation, Communications & Public Works Committee. Council Member Campos serves as Vice Chair of this Policy Committee. Source of Funds: Mayor/Council Travel Fund. (Campos)

* (Rules Committee referral 5/14/08)

2.20 [Mayor Reed's Travel Out of State.](#)

Recommendation: Approval of Mayor Reed's travel to Washington, D.C. on February 26-28, 2008 to meet with Federal legislative officials and departments to advocate for legislation beneficial to the City of San José. Source of Funds: Mayor's Office Budget. (Mayor)

* (Rules Committee referral 5/14/08)

2.21 [Mayor Reed's Travel Out of State.](#)

Recommendation: Approval of Mayor Reed's travel to Chicago, IL on October 1-3, 2008 to participate in the Annual City-to-City trip sponsored by the San José/Silicon Valley Chamber of Commerce. Source of Funds: Mayor/Council Travel Fund. (Mayor)

* (Rules Committee referral 5/14/08)

2.22 [Council Member Oliverio's Travel Out of State.](#)

Recommendation: Approval of Council Member Oliverio's travel to Chicago, IL on June 26, 2008 on October 1-3, 2008 to participate in the Annual City-to-City trip sponsored by the San José/Silicon Valley Chamber of Commerce. Source of Funds: Mayor/Council Travel Fund. (Oliverio)

* (Rules Committee referral 5/14/08)

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the City Manager, Debra Figone (Verbal Report)

3.2 Report of the Rules and Open Government Committee – [May 7, 2008](#)

Mayor Reed, Chair

(a) City Council

(1) Review May 13, 2008 Final City Council Agenda

(2) Review May 20, 2008 Draft City Council Agenda

(b) Redevelopment Agency items reported out at Redevelopment Agency meeting

(c) Legislative Update

(1) State

(a) AB 3034 (Galgiani) – Safe, Reliable High-Speed Passenger Bond Act for the 21st Century. (Transportation)

* **HEARD BY COUNCIL 5/13/08 – ITEM 3.10**

(b) Support for SB 1625 (Corbett) to add all plastic containers to the State Bottle and Can Recycling Law. (Environmental Services)

* **HEARD BY COUNCIL 5/13/08 – ITEM 3.9**

(2) Federal

(d) Meeting Schedules

(1) Approval of Schedule for Review of Sunshine Reform Task Force Phase II Recommendations including two Special Rules and Open Government Meetings on Friday, August 29, 2008 and Tuesday, October 14, 2008. (City Manager's Office)

(e) The Public Record

(f) Appointments to Boards, Commissions and Committees

(g) Rules Committee Reviews, Recommendations and Approvals

(1) Recommend modification to Municipal Code 11.38.210 – No Vehicle Solicitation Zone to Prohibit Sale of Cars in Public Areas that Create Safety Hazards or Public Nuisances. (Liccardo/Campos)

(2) Direct City Attorney to provide legal analysis of the City of San José's 911 fee in light of the recently published Appeals Court decision in Bay Area Cellular Telephone Company v. City of Union City. (Constant)

(3) Accept staff report on the Parks and Recreation Commission Charter Change Ballot Process. (Parks, Recreation and Neighborhood Services)

(h) Review of additions to Council Committee Agenda

(i) Open Government Initiatives

(j) Open Forum

(k) Adjournment

3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair – *No Report.*

3. STRATEGIC SUPPORT SERVICES

3.4 [Actions Related to the Sale of Surplus City-owned Property at 410 Park Avenue.](#)

[Supplemental – Memo from the Director of Public Works](#)

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Recommendation:

- (a) Adopt a resolution:
 - (1) Declaring the 0.19 acre City-owned property and building at 410 Park Avenue surplus to the needs of the City.
 - (2) Approving the sale agreement with an adjacent property owner, Park Delmas Investors, LLC, in the amount of \$450,000.
 - (3) Authorizing the Director of Public Works to execute all documents necessary to complete the transfer of the property.
- (b) Direct the City Manager to return with appropriation actions to allocate proceeds from this sale to address the City's Deferred Maintenance and Infrastructure Backlog.
- (c) Authorize the City Manager or a designee to exclusively negotiate with the Arab American Cultural Center for the sale, at fair market value, of potentially surplus City-owned property, with the declaration of property as surplus and sales agreement subject to approval by the City Council.

CEQA: Resolution No. 72767. Council District 3. (Public Works)
(Deferred from 4/29/08 – Item 3.5)

3.5 [Agreement to Purchase Office Supplies.](#)

Recommendation: Adoption of a resolution authorizing the Director of Finance to execute:

- (a) An agreement and purchase order for the cooperative purchase of office supplies with Corporate Express through the cooperative contract offered by the National Intergovernmental Purchasing Alliance starting July 1, 2008 until June 30, 2012 in an amount not-to-exceed \$1,200,000 for the initial year of the agreement.
- (b) Amendments to the initial purchase order to adjust the not-to-exceed compensation subject to annual appropriation of funding.
- (c) Execute subsequent annual Purchase Orders subject to annual appropriation of funding.

CEQA: Not a Project. (Finance)

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RECOMMEND DEFERRAL TO 6/3/08

3.6 [AB 2270 \(Laird\) Recycled Water: Water Quality.](#)

[Supplemental – Memo from the Director of Environmental Services](#)

Recommendation: As recommended by the Rules and Open Government Committee, approve a position of support for AB 2270 (Laird) Recycled Water: Water Quality.
(City Clerk)

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[Rules Committee referral 5/14/08 – Item C(1)(a)]

3.7 [AB 2347 \(Ruskin\) Mercury Thermostat Collection Act of 2008.](#)

Recommendation: As recommended by the Rules and Open Government Committee, approve a position of support for AB 2347 (Ruskin) Mercury Thermostat Collection Act of 2008. (City Clerk)

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[Rules Committee referral 5/14/08 – Item C(1)(b)]

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee – April 28, 2008

Council Member Pyle, Chair

- (a) Review of the Committee Workplan.
- (b) Entertainment Zone Status Update. (Economic Development/Police/Redevelopment Agency)
- (c) Updates: Development Projects.
 - (1) Hitachi. (Economic Development)
 - (2) Valley Fair. (Economic Development)
- (d) International Economic Development Partnerships. (Economic Development)
- (e) Sister City Guidelines. (Economic Development)
- * **SEE ITEM 4.5 FOR COUNCIL ACTION TO BE TAKEN**
- (f) Mexican Heritage Plaza Transition Plan. (Economic Development/General Services)
- (g) Real Property Assets. (Public Works)
- * **HEARD BY COUNCIL 5/13/08 – ITEM 4.2**
- (h) Memorandum of Understanding Concerning Business Terms for the Purchase and Sale of the Airport West Property and for the Development of a Major League Soccer Stadium. (Economic Development)
- * **SEE ITEM 4.6 FOR COUNCIL ACTION TO BE TAKEN**
- (i) Results of the 2007 Development Services Customer Service Survey. (Planning, Building and Code Enforcement/Fire/Public Works)
- * **HEARD BY COUNCIL 5/13/08 – ITEM 4.4**
- (j) Oral Petitions
- (k) Adjournment
- * (Deferred from 5/13/08 – Item 4.1)

4.2 Public Hearings on Business Improvement District Reports for FY 2008-2009.

Recommendation:

- (a) [Conduct public hearing and adoption of a resolution](#) to approve the Japantown Business Improvement District budget report for fiscal year 2008-09, as filed or as modified by the Council, and to levy the Japantown BID assessments for 2008-09. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: 13th Street.
- (b) [Conduct public hearing and adoption of a resolution](#) to approve the Willow Glen Business Improvement District budget report for Fiscal Year 2008-2009, as filed or as modified by Council, and to levy the Willow Glen BID assessment for 2008-2009. CEQA: Exempt, File No. PP08-048. Council District 6.
- (c) [Conduct public hearing and adoption of a resolution](#) to approve the Hotel Business Improvement District budget report for fiscal year 2008-09, as filed or as modified by the Council, and to levy the Hotel BID assessments for 2008-09. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: 13th Street.
- (d) [Conduct public hearing and adoption of a resolution](#) to approve the Downtown Business Improvement District budget report for fiscal year 2008-09, as filed or as modified by the Council, and to levy the Downtown BID assessments for 2008-09. CEQA: Exempt, File No. PP08-048. Council District 3. SNI: University, Burbank/Del Monte.
(Economic Development)

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.3 [Housing Director Authority Relating to Predevelopment Loans and Second Mortgages.](#)

Recommendation:

- (a) Approval of [an ordinance](#) amending Chapter 5.06 of the San José Municipal Code – “Contract Authority of the Director of Housing, City Manager and Director of Finance” – to modify the Director of Housing’s delegated authority by: eliminating the maximum amount of predevelopment loans that can be made to nonprofit housing developers by the Director; and authorizing the Director to make commitments of project-based second mortgages.
- (b) Adoption of a resolution to increase the maximum amount of predevelopment loans that can be approved by the Director of Housing from \$100,000 to \$500,000; and set a \$500,000 limit on the amount of project-based second mortgages that can be committed by the Director of Housing to any one for-sale development.

CEQA: Not a Project. (Housing)

4.4 [Discussion and Overview of the Economic Feasibility Analysis Completed as a Part of the City’s Inclusionary Housing Study.](#)

Recommendation:

- (a) Provide guidance and feedback to staff at this mid-way point in the review of a potential Citywide Inclusionary Housing Ordinance; and
- (b) Accept the Economic Feasibility Analysis Study completed by David Paul Rosen and Associates related to Citywide Inclusionary Housing in the City of San José.

CEQA: Not a Project. (Housing)

* **RECOMMEND DEFERRAL TO 6/3/08 PER ADMINISTRATION**

4.5 [Sister Cities Guidelines.](#)

[Attachment – Memo from the Director of Economic Development](#)
[Attachment – City of San José Sister City Guidelines](#)
[Attachment – Responses to questions for Sister Cities Stakeholder Groups](#)
[Supplemental – Memo from the Director of Economic Development](#)

Recommendation:

- (a) Acceptance of the staff report on efforts to enhance the Sister City program.
- (b) Adoption of a resolution approving the Sister City Guidelines.

CEQA: Not a Project. (Economic Development)

[Community and Economic Development Committee referral 4/28/08 – Item (e)]

4.6 [Approval of a Memorandum of Understanding Regarding Airport West Property.](#)

[Attachment – Memo from the City Attorney](#)
[Supplemental – Memo from the Director of Planning](#)

* **Recommendation:** Adoption of a resolution authorizing the City Manager to:

- (a) Execute a Memorandum of Understanding between the City of San José, Coleman Airport Partners, LLC, FWSH Partners, LLC and Earthquakes Soccer, LLC regarding proposed development of certain real properties including the 74.8-acre 1125 Coleman Avenue property.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.6 Approval of a Memorandum of Understanding Regarding Airport West Property (Cont'd.)

Recommendation:

- (b) Negotiate and execute an option agreement and a purchase and sale agreement for the property located at 1125 Coleman Avenue that will facilitate the development of 1.5 million square feet of office development, 300 hotel rooms, 95,000 square feet of retail space and the required parking for all uses including a proposed stadium.
- (c) Ensure that a 13.5 acre site for a proposed soccer stadium is reserved at the 1125 Coleman Avenue property. Staff will return to Council with information regarding financing and development of the stadium when appropriate.

CEQA: Not a Project. Council District 3. (Economic Development)

[Community and Economic Development Committee referral 4/28/08 – Item (h)]

(Deferred from 5/13/08 – Item 4.3)

4.7 Conduct a Tax Equity and Fiscal Responsibility Act Hearing Regarding Monterey Oaks Mobile Manufactured Home Community.

* **Recommendation:** Adoption of a resolution:

- (a) Authorizing the Director of Finance to negotiate and execute an Associate Membership Agreement with the Independent Cities Lease Finance Authority (ICLFA).
- (b) Authorizing the Director of Housing to negotiate and execute a supplemental regulatory agreement.
- (c) Authorizing the holding of a Tax Equity and Fiscal Responsibility Act (“TEFRA”) Hearing for the issuance of \$45,000,000 of tax-exempt 501(c)(3) revenue bonds by ICLFA regarding the Monterey Oaks Mobile Manufactured Home Community (“Monterey Oaks”), San José project located at 6130 Monterey Road, in San José, CA.
- (d) Approving the issuance of Tax-Exempt Revenue Bonds, Series 2008 by ICLFA in an aggregate principal amount not to exceed \$45,000,000 to be used to finance or refinance the acquisition and construction of Monterey Oaks and to pay certain expenses incurred in connection with the issuance of the bonds.
- (e) Authorizing the Director of Finance or the Director of Housing to execute any other documents necessary to effectuate this transaction

CEQA: Not a Project. (Housing)

DROP

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee – [May 8, 2008](#) Council Member Chirco, Chair

- (a) Report on Mobilehome Infrastructure Pilot Program. (Housing)
- (b) Inclusionary Housing Update. (Housing)
- (c) Update on Community Sports Field Study. (Parks, Recreation and Neighborhood Services)
- (d) Parks Capital Grants Update. (Parks, Recreation and Neighborhood Services)
- (e) Strong Neighborhoods Monthly Update. (City Manager's Office)
 - (1) Neighborhood Leadership Development Update.
 - (2) Update on the Draft Neighborhoods Commission Workplan.
- (f) Schools/City Collaborative Monthly Update. (City Manager's Office)
 - (1) Reports from School Safety, Joint Use, and Teacher Recruitment/Retention Subcommittees.
- (g) Quarterly Update on Performance Measurements. (City Manager's Office)
- (h) Oral Petitions
- (i) Adjournment

*

SEE ITEM 5.4 FOR COUNCIL ACTION TO BE TAKEN

5.2 [Report on Bids and Award of Contract for the Construction of the Seven Trees Community Center and Branch Library Project.](#)

[Attachment – Solari Park Maps and Site Description](#)

Recommendation:

- (a) Report on bids and award of contract for the construction of the Seven Trees Community Center and Branch Library Project to the low bidder, Gonsalves and Stronck Construction, Inc., for the base bid and Add Alternate Nos. 1 through 7 in the amount of \$25,670,567, and approval of a contingency in the amount of \$2,570,000.
- (b) Adoption of a resolution declaring an approximate area of 5,303 square feet along the west side of the property with an average width between 9.0 to 3.5 feet as surplus to the needs of the City, and in accordance with the provisions of Municipal Code Section 4.20.060, authorizing the City Manager to transfer fee title to the County of Santa Clara for expressway lane improvement purposes with a reservation of easements for the purposes of storm drains and catch basins crossing the transferred area, and to execute all documents necessary to complete the transaction.

CEQA: Mitigated Negative Declaration, File No. PP06-175. Council District 7. (Public Works/Parks, Recreation and Neighborhood Services/Library)

5.3 Actions related to the Donna Lane/Bradford Neighborhood Action Agenda.

Recommendation: Approval of actions related to the Donna Lane/Bradford Neighborhood Action Agenda.

(Rules Committee referral 5/7/08)

*

DROP

5. NEIGHBORHOOD SERVICES

5.4 Acceptance of a Verbal Update on the Draft Neighborhoods Commission Workplan.

Recommendation: Acceptance of a Verbal Update on the Draft Neighborhoods Commission Workplan. CEQA: Not a Project. (City Manager's Office)

* [Neighborhood Services and Education Committee referral 5/8/08 – Item (e)(2)]

6. TRANSPORTATION & AVIATION SERVICES

6.1 Report of the Transportation and Environment Committee – [May 5, 2008](#) Council Member Williams, Chair

- (a) Quarterly Update Report on Performance Measures for Airport, Environmental Services, General Services, Transportation and Police Departments. (City Manager's Office)
 - (b) Status on Strategy to Reduce the Deferred Infrastructure Maintenance Backlog. (City Manager's Office)
 - (c) Status Report on Traffic Calming Policy 5-6 and Related Traffic Safety Items. (Transportation/Police)
 - (d) Report on General Plan Greening. (Planning, Building and Code Enforcement/Environmental Services)
 - (e) Report on Sustainable Energy Action Plan. (Environmental Services)
 - (f) Waste Characterization Report. (Environmental Services)
 - (g) Recommendations to Reduce Plastic Bag Use. (Environmental Services)
- SEE ITEM 7.2 FOR COUNCIL ACTION TO BE TAKEN**
- (h) Oral Petitions
 - (i) Adjournment

7. ENVIRONMENTAL & UTILITY SERVICES

7.1 [Public Hearing on the Application of Haul-Away Today for a Commercial Solid Waste and Recyclables Collection Franchise.](#)

Recommendation: Hold a Public Hearing on the application of Haul-Away Today for a Commercial Solid Waste and Recyclables Collection Franchise, approval of an ordinance granting the franchise, and approval of a Commercial Solid Waste and Recyclables Collection Franchise Agreement with Haul-Away Today for a term from July 03, 2008 through June 30, 2009. CEQA: Negative Declaration, File No. PP92-11-308. (Environmental Services)

7. ENVIRONMENTAL & UTILITY SERVICES

7.2 [Approval of Actions Related to Plastic Carryout Bags.](#)

[Attachment – Memo from the Director of Environmental Services](#)
[Supplemental – Memo from the Director of Environmental Services](#)
[Attachment – Policy tools for reducing impact of carryout plastic bags](#)

* **Recommendation:**

- (a) Direct staff to work with stakeholders on a plan to significantly reduce both plastic and paper carryout bag use in the City, which could include a ban on single-use plastic bags, a City fee on paper bags, and comprehensive efforts by industry and the City to increase the use of reusable bags; the plan will include a phased implementation beginning January 2009.
- (b) Direct staff to promote City residents taking their plastic bags back to retail stores for recycling; discontinue plastic bags as an approved recyclable material in the City's residential Recycle Plus program customer outreach and evaluate discontinuing polystyrene foam food packaging and other hard-to-recycle materials that are usually landfilled at the end of the recycling process.
- (c) Support legislation that would remove any restriction on the City's ability to establish fees on plastic carryout bags or other disposable packaging.
- (d) Direct staff to report back to the Transportation & Environment Committee in September 2008 on the proposed work plan for implementing these recommendations on single-use carryout bags and hard-to-recycle foodservice packaging.

CEQA: Not a Project. (Environmental Services)

[Transportation and Environment Committee referral 5/5/08 – Item (g)]

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

9.1 [Actions related to Permitting Promoters.](#)

[Attachment – Memo from Mayor Reed and Councilmember Liccardo](#)

* **Recommendation:** Actions related to Permitting Promoters as follows:

- (a) Approval of an ordinance by the City Council:
 - (1) Amending Chapter 6.58 of Title 6 of the San José Municipal Code to require operators of public dancehall venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.58 of the Code, but not so permitted responsible for violations of Chapter 6.58 of the Code;

(Item continued on the next page)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 Actions related to Permitting Promoters (Cont'd.)

Recommendation:

- (a) Approval of an ordinance by the City Council (Cont'd.)
 - (2) Amending Chapter 6.60 of Title 6 of the Code to require operators of public entertainment business venues to use permitted promoters and to hold persons required to be permitted under Chapter 6.60, but not so permitted, responsible for violations of Chapter 6.60 of the Code ; and
 - (3) Adding Chapter 6.62 to Title 6 of the Code to require promoter permits and setting regulations and conditions on promoter permits.
- (b) Adoption of a resolution by the City Council amending the Administrative Citation Schedule of Fines for Certain Violations of the Code to amend and establish fines for certain violations of Code Chapters 6.58 (Public Dancehalls) and 6.60 (Public Entertainment Permit) and to establish fines for violations of Code Chapter 6.62 (Event Promoters), and repealing Resolution No. 74033, to be effective July 1, 2008.

CEQA: Not a Project. Council District 3.

[Deferred from 4/29/08 – Item 9.1(b)]

RECOMMEND DEFERRAL TO 6/3/08 IN THE EVENING

9.2 **Deferment of Parkland In-Lieu Fees for high-rise multifamily residential projects in Downtown Core Area (Downtown High-Rise Financing Initiative).**

[Attachment – Memo from the City Attorney](#)

- * **Recommendation:** As referred by the Rules and Open Government Committee, adoption of a resolution amending Resolution No. 73587 to allow the City Manager in consultation with the Redevelopment Agency Executive Director to enter into written agreements with high-rise housing developers in the Downtown Core to defer payments of park in-lieu fees (PDO/PIO fees) consistent with the conditions specified in the resolution.

(Mayor/Liccardo)

[Rules Committee referral 5/14/08 – Item (g)(5)]

- Open Forum (To be heard no earlier than 3:30 p.m.)
- Continue RDA Board Meeting (immediately following Open Forum)
- Council will recess until 7:00 p.m.

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of General Plan Consent Calendar (Item 10.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the General Plan Consent Calendar (Item 10.1) and considered separately.

CONTINUATION OF MAY 6, 2008 SPRING GENERAL PLAN HEARINGS

10.1 Tentative Approval of General Plan Public Hearings on Consent Calendar.

Recommendation:

- (a) [Text Amendment to allow a change in the maximum building height on a 14.1-acre site on the southwest corner of Headquarters Drive and Holger Way \(101 Holger Way\), which is a portion of a larger property located at the southeast corner of State Route 237 and North First Street.](#)

* Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to allow a change in the maximum building height from 120 feet to 210 feet above ground level on an approximately 14.1-acre site located on the southwest corner of Headquarters Drive and Holger Way (101 Holger Way) (MFP/Hunter@First Office Partners, LLC, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: North San José EIR Resolution No.72768, and Addendum thereto.
GP08-T-02 - District 4
[Attachment – Staff Report](#)
[Attachment – GP08-T-02](#)
[Attachment – Appendix E](#)

- (b) [Text Amendment to the Urban Forest Policies.](#)

Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text to revise urban forest policies consistent with San José's Green Vision and existing City tree ordinances, programs, and policies, to augment the existing text related to the benefits, importance, conservation, maintenance and preservation of the urban forest, and to expand the vision for the City's urban forest (City of San José, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: San José 2020 General Plan Environmental Impact Report Resolution No. 65459. SNI: All.
GP08-T-05 – Citywide
[Attachment – Staff Report](#)
[Attachment – Existing General Plan Text](#)
[Attachment – San Jose's Green Vision](#)
[Attachment – Memo from Deputy City Manager, Directors of DOT and Planning](#)

10. GENERAL PLAN PUBLIC HEARINGS ON CONSENT CALENDAR

10.1 Tentative Approval of General Plan Public Hearings on Consent Calendar (Cont'd.)

Recommendation:

- (c) [Amendment on 8.5 acres on the northwest corner of Brokaw Road and Oakland Road \(1015 and 1075 East Brokaw Road\).](#)
- * Tentative approval of a General Plan amendment request to change the San José 2020 General Plan Land Use/ Transportation Diagram designation from Industrial Park to Combined Industrial/Commercial on an 8.5-acre site located on the northwest corner of Brokaw Road and Oakland Road (1015 and 1075 East Brokaw Road) (Dollinger Properties, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: North San José EIR Resolution No.72768, and Addendum thereto.
GP07-04-02 – District 4
[Attachment – Staff Report](#)
[Attachment – Zoning Map](#)
[Attachment – General Plan Map](#)
[Attachment – Memo from Transportation](#)
[Attachment – Memo from Fire Prevention](#)
[Attachment – Memo from Public Works](#)
[Attachment – Memo from Environmental Services](#)
[Attachment – Addendum to NST EIR](#)
[Attachment – Framework for Preservation of Employment Lands](#)
- (d) [Amendment on 1.45 acres on the east side of San Tomas Expressway 680 feet southerly of Stevens Creek Boulevard \(3566 Stevens Creek Boulevard\).](#)
- * Tentative approval of a General Plan amendment request to change the San José 2020 General Plan Land Use/ Transportation Diagram designation from Medium High Density Residential (12-25 DU/AC) to General Commercial on a 1.45-acre site on the east side of San Tomas Expressway approximately 680 feet southerly of Stevens Creek Boulevard (3566 Stevens Creek Boulevard) (City of San José, Applicant/Kenneth and Alice C. Kerley, Owners). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: Negative Declaration and Addendum thereto for PDC83-063.
GP08-01-01 – District 1
[Attachment – Staff Report](#)
[Attachment – General Plan Map](#)
[Attachment – Zoning Map](#)
[Attachment – Memo from Santa Clara County](#)
[Attachment – Memo from VTA](#)
[Attachment – Memo from Fire Prevention](#)
[Attachment – Memo from Public Works](#)
[Attachment – Memo from Transportation](#)

10. GENERAL PLAN PUBLIC HEARINGS

10.2 [Greenline/Urban Growth Boundary Minor Modification and General Plan Amendment on 3.2 Acres at the Northeasterly Quadrant of the Intersection of Piercy Road and Silicon Valley Road \(formerly Tenant Avenue\) \(0 Piercy Road\).](#)

[Attachment – Applicant Response to Staff Report](#)

[Attachment – County Parks and Recreation Dept. Comment Letter and Response](#)

[Attachment – Planning Commission Staff Reports and Attachments](#)

Recommendation:

- (a) Tentative approval of a minor modification to the City of San José's Greenline/Urban Growth Boundary (UGB) to include approximately 3.2 acres of unincorporated territory located at the northeasterly quadrant of the intersection of Piercy Road and Silicon Valley Road. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (4-1-2, Kinman opposed, Campos and Zito absent).

UGB06-001 – District 2

- (b) Tentative denial of a General Plan amendment and Urban Service Area (USA) expansion request to change the General Plan land use designation from Rural Residential (0.2 dwelling units per acre) to High Density Residential (25-50 dwelling units per acre) on an approximately 3.2-acre site. Director of Planning, Building and Code Enforcement and Planning Commission recommend denial (5-0-2, Campos and Zito absent).

GP06-02-02 – District 2

(Barbaccia Investments, Owner/Jack Previte Applicant). CEQA: Negative Declaration. SNI: None. Council District 2.

10.3 [Amendment and Text Amendment on 5.78 Acres on the Block Bounded by East Jackson Street, North 6th Street, East Taylor Street, and North 7th Street.](#)

[Attachment – Memo from Councilmember Liccardo](#)

[Attachment – Staff Report](#)

[Attachment – Cumulative Amendments with Changes Identified](#)

[Attachment – Cumulative General Plan Amendments with Changes Identified](#)

Recommendation: Tentative approval of General Plan amendment and text amendment request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram and text in the San José 2020 General Plan from Mixed Use 2 and Public Park/Open Space to Mixed Use_2A to allow (1) up to 600 multiple-dwelling units, (2) 16,000 to 30,000 square feet of ground floor retail space, (3) 10,000 to 20,000 square feet of community amenity space, (4) and an increase in height from 65 to 175 feet, and to revise the text of the Mixed Use designation in the Jackson Taylor Residential Strategy to indicate a density of up to 160 du/ac with a mix of retail and community amenities, and a height limit of 175 feet (City of San José, Owner/Williams & Dame Development Inc., Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-0-2, Campos and Zito absent). CEQA: Resolution to be adopted.

GP07-03-04/GPT07-03-04 – District 3

10. GENERAL PLAN PUBLIC HEARINGS

10.4 [Amendment and Text Amendment on 2.2 acres at the Southeast Corner of North 10th and East Mission Streets.](#)

[Attachment – Staff Report with Attachments](#)

- * **Recommendation:** Tentative denial of General Plan amendment and text amendment request to change the Jackson-Taylor Planned Residential Community Specific Land Use Plan diagram from High Density Residential (25-50 DU/AC) to Medium High Density Residential (12-25 DU/AC) on a 2.2-acre site located at the southeast corner of North 10th and East Mission Streets in the Jackson-Taylor Planned Residential Community (Westmount Square LLC, Owner/Arcadia Homes Inc., Applicant). Director of Planning, Building and Code Enforcement recommends denial and Planning Commission's failure to pass a motion deemed a negative recommendation (2-3-2, Kalra, Kinman, and Platten opposed, Campos and Zito absent). CEQA: Negative Declaration. SNI: 13th Street. [GP07-03-05/GPT07-03-05](#) – District 3

10.5 [Text Amendment to the Discretionary Alternate Use Policies.](#)

[Attachment – Support Staff Memo to Planning Commission](#)

[Attachment – Public Correspondence](#)

[Attachment – Staff Report](#)

- * **Recommendation:** Tentative approval of a General Plan text amendment request to change the *San José 2020 General Plan* text of the Discretionary Alternate Use Policies to allow on sites that are two acres or smaller in size the following alternate uses: 1) with an industrial land use designation, commercial uses; 2) with a residential land use designation, commercial uses if the site is in an existing commercial zoning district and adjacent on at least two sides to sites that are commercially zoned or developed with commercial uses; 3) with a commercial land use designation, mixed commercial and residential uses or exclusively residential uses if the site is adjacent on at least two sides or by 50% to residentially designated land; 4) increasing the density bonus for a development that provides units for Extremely Low Income households (City of San José, Owner/Applicant). Director of Planning, Building and Code Enforcement and Planning Commission recommend approval of provisions 1, 2, and 3, and recommend dropping provision 4 (4-0-2-1, Campos and Zito absent, Kamkar abstained). CEQA: Resolution No. 65459. SNI: All. [GP08-T-03](#) – Citywide

10.6 **Approval of all General Plan Amendment Actions on April 22, May 6, and May 20, 2008.**

- * **Recommendation:** Adoption of a resolution approving all tentative General Plan amendment actions taken on April 22, May 6, and May 20, 2008, and adoption of related CEQA resolutions. (Planning, Building and Code Enforcement)

11. PUBLIC HEARINGS

(To be heard by the City Council at 7:00 p.m.)

Notice to the public: There will be no separate discussion of Public Hearings Consent Calendar (Item 11.1) as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Public Hearings Consent Calendar (Item 11.1) and considered separately.

11.1 Public Hearings on Consent Calendar.

No Public Hearings on Consent Calendar at this time.

11.2 [Rezoning real property located at/on the southwest corner of Berryessa and Jackson Avenue.](#)

[Attachment – Staff Report](#)

[Attachment – PDC07-033 – Draft Development Standards](#)

[Attachment – Development Plan for Pepper Lane Apartments](#)

Recommendation: Consideration of an ordinance rezoning the real property located on the southeast corner of Berryessa and Jackson Avenue from R-1-5(PD) Planned Development Zoning District and A-Agriculture Zoning District to A(PD) Planned Development Zoning District to allow up to 379 single-family attached residences and 30,000 square feet for commercial uses, the demolition of one single-family residence and nine accessory structures, and the preservation/relocation of one single-family residence and one fruit stand on a 20.18 gross acres site (Pepper Lane Berryessa LLC, Myra Reinhard, Owners; Pulte Home Corporation, Developer). CEQA: Mitigated Negative Declaration.

[PDC07-033](#) – District 4

(Deferred from 4/8/08 – Item 11.6 and 5/6/08 – Item 11.2)

RECOMMEND CONTINUANCE TO 6/3/08 PER ADMINISTRATION

11.3 **Rezoning real property located on the west side of Lincoln Avenue.**

Recommendation: Consideration of an ordinance rezoning the real property located on the west side of Lincoln Avenue extending from West San Carlos Street to the south and Pacific Avenue to the north, excluding the northwest corner of West San Carlos and Lincoln Avenue to allow the demolition of existing structures and the construction of 39 single-family attached residential and 2 live/work lofts on a 0.91 gross acre site (James & Tina Jean, Owners). SNI: Burbank/Del Monte. CEQA: Mitigated Negative Declaration.

[PDC07-017](#) – District 6

(Deferred from 4/8/08 – Item 11.7, 4/22/08 – Item 11.3, and 5/6/08 – Item 11.3)

RECOMMEND CONTINUANCE TO 6/17/08 PER ADMINISTRATION

11. PUBLIC HEARINGS

11.4 [Rezoning real property located at the southwest corner of Cinnabar Street and Stockton Avenue.](#)

[Staff Report](#)

[Attachment – Supplemental Memo from the Director of Planning](#)

[Attachment – Transmittal Memo from the Director of Planning](#)

[Development Standards](#)

[General Development Plans for Morrison Park](#)

[General Development Plans for Morrison Park \(cont.\)](#)

- * **Recommendation:** Consideration of an ordinance rezoning the real property located at the southwest corner of Cinnabar Street and Stockton Avenue (345 Stockton Avenue) from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District to allow up to 250 single-family attached residences in three-story buildings constructed at-grade and on a podium on a 4.4 gross acre site (381 Stockton LLC, Owner; Morrison Park Homes LLC Bruce Fairty, Developer). CEQA: Mitigated Negative Declaration. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (5-2-0).
[PDC06-094 – District 6](#)
(Continued from 5/6/08 – Item 11.6)

11.5 **Ordinance amending Chapter 20.70, Section 20.70.010, of Title 20 of the San José Municipal Code.**

Recommendation: Consideration of an ordinance Chapter 20.70, Section 20.70.010, of Title 20 of the San José Municipal Code to expand the area to which the Downtown Zoning Regulations apply to include the area bounded by Fourth Street, St. John Street, Seventh Street, and San Fernando Street, and to make other related technical or clarifying changes. CEQA: EIR Resolution No. 72767.
Citywide

RECOMMEND CONTINUANCE TO 6/17/08 PER ADMINISTRATION

- Notice of City Engineer's Pending Decision on Final Maps
- Notice of City Engineer's Award of Construction Projects
- Open Forum
- Adjournment

- * This meeting will be adjourned in memory of Barry Weaver, a long time City employee in the Department of Transportation, who passed away May 9, 2008.

CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSE CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D.)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.